

ORDINANCE NO. 12-51

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 25 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 40 FEET IS REQUIRED, A TOTAL AREA OF 3,125 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 6,480 SQUARE FEET IS REQUIRED, TO ALLOW A FRONT SETBACK OF 25 FEET, WHERE A MINIMUM OF 30 FEET IS REQUIRED, AND TO ALLOW SIDE SETBACKS OF 5 FEET, WHERE AT LEAST 5 FEET 1 INCH IS REQUIRED, CONTRA TO HIALEAH CODE §98-348. **A VACANT LOT LOCATED ON THE EAST SIDE OF WEST 6 COURT BETWEEN WEST 23 STREET AND WEST 24 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 8, 2012, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a single-family home on a substandard-sized lot having a width of 25 feet, where an average width of 40 feet is required, a total area of 3,125 square feet, more or less, where a total area of at least 6,480 square feet is required, and to allow side setbacks of 5 feet, where at least 5 feet 1 inch is required, contra to Hialeah Code § 98-348, which

provides in pertinent part: “[B]uilding permits may be issued for the erection of future structures on existing legally divided parcels of unimproved land in R-1 zones if such lots are at least an average of 40 feet in width and are an average of at least 125 feet in depth, and provided, further, that such future structures are to maintain a 30-foot front yard setback, and five-foot one-inch side setbacks.”. A vacant lot located on the east side of West 6 Court between West 23 Street and West 24 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 30, IN BLOCK 18, OF HIALEAH SECTION NO. 2,
ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 9, AT PAGE 154, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of September, 2012.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

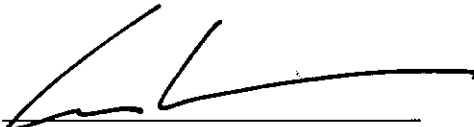


Isis Garcia Martinez
Council President

Attest: Approved on this 13 day of September, 2012.



David Concepcion, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".